

REMARKS

Claims 1-9 are listed as pending in the application. Claims 4-5, 7, and 9 have been withdrawn from consideration. Claims 1, 3, and 6 have been rejected and claim 2 has been objected to.

DISCUSSION

Restriction Requirement

Applicants hereby affirm their provisional election of February 11, 2005 for prosecution of the compounds of Group I (e.g., where R¹ is optionally-substituted indole). Applicants further note the instant cancellation of non-elected subject matter from claims 1-2 and the cancellation of claims 4-5.

Rejection Under 35 U.S.C. §112, First Paragraph

In the Office Action mailed January 13, 2004, the Examiner rejected claims 1, 3, and 6 under 35 U.S.C. §112, second paragraph, as not being reasonably enabled for use of the term "prodrug."

In response thereto, Applicants have amended claims 1, 3, and 6 by cancelling the term "prodrug" therefrom in all occurrences.

Reconsideration and withdrawal of the rejection of claims 1, 3, and 6 are requested.

Rejection Under 35 U.S.C. §112, Second Paragraph

In the Office Action mailed January 13, 2004, the Examiner rejected claims 1, 3, and 6 under 35 U.S.C. §112, second paragraph, for incorporating the allegedly indefinite term "prodrug."

Applicants submit that, in view of the above amendments to claims 1, 3, and 6, the rejection under 35 U.S.C. §112, second paragraph, is moot.

Reconsideration and withdrawal of the rejection of claims 1, 3, and 6 are requested.

Allowable Subject Matter

The Examiner objected to claim 2 for being dependent upon rejected base claim 1. However, the Examiner indicated that claims 1, 3, and 6 would be allowable if amended to overcome the above-articulated rejections under 35 U.S.C. §112.

In response thereto, Applicants note the above amendments to claims 1, 3, and 6, thereby obviating the rejections under 35 U.S.C. §112. In view thereof, claim 2 is also now allowable.


Withdrawal of Restriction of Group III Method Claims

Pursuant to the provisions of M.P.E.P. §821.04, Applicants reiterate their previous request of February 11, 2005 for withdrawal of the restriction of method claims 7-9 (Group III), and rejoinder thereof with the compound claims of Group I, once such claims were found allowable. Now that the compound claims of Group I are in condition for allowance, such rejoinder is proper under M.P.E.P. §821.04 in view of the concordant amendments to method claims 7-9 of Group III.

All claims pending in the application are now in condition for allowance. Such prompt and favorable action is respectfully solicited.

Respectfully submitted,

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